

**Proposed Substitute
Bill No. 974**

LCO No. 5328

**AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE
PROGRAM REVIEW AND INVESTIGATIONS COMMITTEE
CONCERNING THE USE OF DRONES.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subdivision (5) of section 15-34 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2015*):

4 (5) "Aircraft" means any contrivance used or designed for
5 navigation of or flight in air, including (A) airplanes, meaning power-
6 driven fixed-wing aircraft, heavier than air, supported by the dynamic
7 reaction of the air against their wings, (B) gliders, meaning heavier
8 than air aircraft, the free flight of which does not depend principally
9 upon a power-generating unit, and (C) rotorcraft, meaning power-
10 driven aircraft, heavier than air, supported during flight by one or
11 more rotors. "Aircraft" does not include unmanned aerial vehicles.

12 Sec. 2. Section 15-34 of the general statutes is amended by adding
13 subdivision (29) as follows (*Effective October 1, 2015*):

14 (NEW) (29) "Unmanned aerial vehicle" means any contrivance used
15 or designed for navigation of or flight in air that is power-driven and
16 operated without the possibility of direct human intervention from

17 within or on the contrivance.

18 Sec. 3. Subsection (a) of section 53a-189a of the general statutes is
19 repealed and the following is substituted in lieu thereof (*Effective*
20 *October 1, 2015*):

21 (a) A person is guilty of voyeurism when, (1) with malice, such
22 person knowingly photographs, films, videotapes or otherwise records
23 the image of another person (A) without the knowledge and consent of
24 such other person, (B) while such other person is not in plain view, and
25 (C) under circumstances where such other person has a reasonable
26 expectation of privacy, or (2) with intent to arouse or satisfy the sexual
27 desire of such person or any other person, such person knowingly
28 photographs, films, videotapes or otherwise records the image of
29 another person (A) without the knowledge and consent of such other
30 person, (B) while such other person is not in plain view, and (C) under
31 circumstances where such other person has a reasonable expectation of
32 privacy. For purposes of this subsection, "not in plain view" includes a
33 view not otherwise obtainable that is made possible through the use of
34 technology that is electronic, as defined in section 1-331, or of an
35 unmanned aerial vehicle, as defined in subdivision (29) of section 15-
36 34, as amended by this act.

37 Sec. 4. (NEW) (*Effective October 1, 2015*) (a) Except as otherwise
38 provided by law, no person shall operate or use any computer
39 software or other technology, including, but not limited to, an
40 unmanned aerial vehicle, as defined in subdivision (29) of section 15-34
41 of the general statutes, as amended by this act, that allows a person,
42 when not physically present, to release tear gas or any like or similar
43 deleterious agent or to remotely control a deadly weapon, as defined
44 in section 53a-3 of the general statutes, or an explosive or incendiary
45 device, as defined in section 53-206b of the general statutes.

46 (b) Any person who violates subsection (a) of this section shall be
47 guilty of a class C felony.

48 Sec. 5. Subdivision (8) of subsection (a) of section 54-280 of the

49 general statutes is repealed and the following is substituted in lieu
50 thereof (*Effective October 1, 2015*):

51 (8) "Offense committed with a deadly weapon" or "offense" means:
52 (A) A violation of subsection (c) of section 2-1e, subsection (e) of
53 section 29-28, subsections (a) to (e), inclusive, or (i) of section 29-33,
54 section 29-34, subsection (a) of section 29-35, section 29-36, 29-36k, 29-
55 37a or 29-37e, subsection (c) of section 29-37g, section 29-37j, subsection
56 (b), (c) or (g) of section 53-202, section 53-202b, 53-202c, 53-202j, 53-
57 202k, 53-202l, 53-202aa or 53-206b, subsection (b) of section 53a-8,
58 section 53a-55a, 53a-56a, 53a-60a, 53a-60c, 53a-72b, 53a-92a, 53a-94a,
59 53a-102a, 53a-103a, 53a-211, 53a-212, 53a-216, 53a-217, 53a-217a, 53a-
60 217b or 53a-217c or section 4 of this act, or a second or subsequent
61 violation of section 53-202g; or (B) a violation of any section of the
62 general statutes which constitutes a felony, as defined in section 53a-
63 25, provided the court makes a finding that, at the time of the offense,
64 the offender used a deadly weapon, or was armed with and threatened
65 the use of or displayed or represented by words or conduct that the
66 offender possessed a deadly weapon;

67 Sec. 6. (NEW) (*Effective October 1, 2015*) The presence of tear gas or
68 any like or similar deleterious agent, a deadly weapon, as defined in
69 section 53a-3 of the general statutes, or an explosive or incendiary
70 device, as defined in section 53-206b of the general statutes, on or in an
71 unmanned aerial vehicle, as defined in subdivision (29) of section 15-34
72 of the general statutes, as amended by this act, may be presumptive
73 evidence of the possession or use of the agent, weapon or device by
74 each person operating or using such unmanned aerial vehicle.

75 Sec. 7. (NEW) (*Effective October 1, 2015*) The presence of a controlled
76 substance, as defined in section 21a-240 of the general statutes, on or in
77 an unmanned aerial vehicle, as defined in subdivision (29) of section
78 15-34 of the general statutes, as amended by this act, may be
79 presumptive evidence of the possession or use of the substance by each
80 person operating or using such unmanned aerial vehicle.

81 Sec. 8. (NEW) (*Effective October 1, 2015*) (a) For the purposes of this
82 section:

83 (1) "Unmanned aerial vehicle" has the same meaning as provided in
84 subdivision (29) of section 15-34 of the general statutes, as amended by
85 this act;

86 (2) "Law enforcement agency" means the Division of State Police
87 within the Department of Emergency Services and Public Protection or
88 any municipal police department; and

89 (3) "Law enforcement officer" means any officer, employee or other
90 person otherwise paid by or acting as an agent of a law enforcement
91 agency.

92 (b) (1) Each law enforcement officer who operates an unmanned
93 aerial vehicle shall operate such unmanned aircraft in accordance with
94 this section and regulations and policies established by the Federal
95 Aviation Administration, and pursuant to a policy adopted by a law
96 enforcement agency as required by subsection (g) of this section.

97 (2) A law enforcement agency shall not operate an unmanned aerial
98 vehicle that is equipped with tear gas or any like or similar deleterious
99 agent or a deadly weapon, as defined in section 53a-3 of the general
100 statutes, including, but not limited to, any explosive or incendiary
101 device, as defined in section 53-206b of the general statutes, or any
102 firearm, as defined in section 53a-3 of the general statutes.

103 (c) A law enforcement officer may operate an unmanned aerial
104 vehicle provided:

105 (1) A judge of the Superior Court or judge trial referee has issued a
106 warrant in accordance with section 54-33a of the general statutes
107 authorizing the use of an unmanned aerial vehicle;

108 (2) The individual who will be the subject of the information
109 collected by the operation of an unmanned aerial vehicle has given
110 advance written consent to such operation;

111 (3) The owner of the property that will be the subject of the
112 information collected by the operation of an unmanned aerial vehicle
113 has given advance written consent to such operation;

114 (4) The law enforcement agency has probable cause to believe that a
115 criminal offense has been, is being or will be committed and exigent
116 circumstances exist that make it unreasonable for the law enforcement
117 agency to obtain a warrant authorizing the use of an unmanned aerial
118 vehicle;

119 (5) The law enforcement agency reasonably believes that there is an
120 imminent threat to the life or safety of an individual;

121 (6) Such operation is pursuant to search and rescue activities
122 conducted by the law enforcement agency;

123 (7) Such operation is pursuant to training activities conducted by
124 the law enforcement agency; or

125 (8) Such operation is used to reconstruct or document a specific
126 crime scene.

127 (d) An individual or privately owned property shall be considered
128 to be the subject of information collected by the operation of an
129 unmanned aerial vehicle if the information allows the identity of the
130 person or the privately owned property to be ascertained or if the law
131 enforcement officer operating the unmanned aerial vehicle
132 acknowledges such individual or such property was the subject of the
133 information.

134 (e) Information that was collected through the operation of an
135 unmanned aerial vehicle that concerns an individual or privately
136 owned property that was the subject of a warrant may be retained
137 pursuant to the warrant.

138 (f) Information that was collected through the operation of an
139 unmanned aerial vehicle that concerns an individual or privately
140 owned property pursuant to subdivisions (2) and (3) of subsection (c)

141 of this section may be retained pursuant to the terms specified in such
142 advance written consent.

143 (g) (1) Information that was collected through the operation of an
144 unmanned aerial vehicle that concerns an individual or privately
145 owned property pursuant to subdivisions (4) to (8), inclusive, of
146 subsection (c) of this section shall be reviewed by the law enforcement
147 agency that collected the information within ninety days from the date
148 of collection. The collected information shall be destroyed or modified
149 pursuant to subdivision (2) of this subsection or retained pursuant to
150 subdivision (3) of this subsection.

151 (2) If such information allows the identity of an individual or
152 privately owned property to be ascertained and there is no probable
153 cause to believe that an offense was committed by the individual or on
154 the property, such law enforcement agency (A) shall destroy such
155 information within forty-eight hours after such review, or (B) shall
156 permanently modify such information so that the identity of such
157 individual or such property cannot be ascertained, and, after such
158 modification, may retain the modified information for a period of not
159 more than five years from the date of collection and, after such
160 retention, shall destroy the modified information.

161 (3) If such information allows the identity of an individual or
162 privately owned property to be ascertained and there is probable cause
163 to believe that an offense was committed by the individual or on the
164 property, such law enforcement agency may retain such information
165 for a period of not more than five years from the date of collection and,
166 after such retention, shall destroy such information, except that, if a
167 warrant is issued in accordance with section 54-33a of the general
168 statutes based in part on such information, such information may be
169 retained pursuant to the warrant.

170 (h) (1) Not later than January 1, 2016, the Department of Emergency
171 Services and Public Protection shall develop and promulgate a model
172 policy that provides guidelines on the destruction, modification and

173 retention of information collected by the operation of an unmanned
174 aerial vehicle by a law enforcement agency.

175 (2) Each law enforcement agency that owns or authorizes a law
176 enforcement officer to operate an unmanned aerial vehicle shall adopt
177 and maintain a written policy that meets or exceeds the model policy
178 developed by the Department of Emergency Services and Public
179 Protection pursuant to subdivision (1) of this subsection regarding the
180 destruction, modification and retention of information collected by the
181 operation of an unmanned aerial vehicle either before taking
182 ownership of an unmanned aerial vehicle or not later than thirty days
183 after a law enforcement officer operates an unmanned aerial vehicle.

184 (i) Each law enforcement agency that owns an unmanned aerial
185 vehicle shall register the unmanned aerial vehicle with the Office of
186 Policy and Management not later than thirty days after taking
187 ownership of the unmanned aerial vehicle. The registration shall be on
188 a form prescribed by the Office of Policy and Management and shall
189 include the name of the law enforcement agency, the name, job title
190 and contact information of each law enforcement officer who is
191 authorized to operate the unmanned aerial vehicle, and a description
192 of the unmanned aerial vehicle, including, but not limited to, the name
193 of the manufacturer, the model number and the serial number. The
194 law enforcement agency shall post such registration on its Internet web
195 site.

196 (j) Not later than January fifteenth of each year, each law
197 enforcement agency that operated an unmanned aerial vehicle in the
198 preceding calendar year shall report to the Chief State's Attorney: (1)
199 The number of times the law enforcement agency operated an
200 unmanned aerial vehicle in the preceding calendar year; (2) a list of all
201 occasions when an unmanned aerial vehicle was operated with the
202 following details for each operation: (A) The date, time and duration of
203 operation, (B) the location of such operation, (C) the reason for such
204 operation, (D) whether the unmanned aerial vehicle was operated
205 pursuant to a warrant, (E) the number of times the type of information

206 collected through the operation of an unmanned aerial vehicle
207 provided reasonable and articulable suspicion that a criminal offense
208 was being committed; and (3) the law enforcement agency's
209 compliance with the policy adopted pursuant to subdivision (2) of
210 subsection (h) of this section, including the number of times the law
211 enforcement agency reviewed and destroyed information collected by
212 the operation of an unmanned aerial vehicle and the number of times
213 such law enforcement agency destroyed information collected by the
214 operation of an unmanned aerial vehicle without reviewing such
215 information.

216 (k) Not later than April fifteenth of each year, the Chief State's
217 Attorney, based on the reports filed by law enforcement agencies
218 pursuant to subsection (j) of this section, shall post on its Internet web
219 site a report concerning the operation of unmanned aerial vehicles by
220 law enforcement agencies during the preceding calendar year. The
221 report shall include a summary and an analysis of the information
222 received from the law enforcement agencies. The report shall also
223 identify any law enforcement agency that registered an unmanned
224 aerial vehicle pursuant to subsection (i) of this section or submitted a
225 report in a previous reporting period pursuant to subsection (j) of this
226 section, but did not submit a report for the current reporting period.

227 Sec. 9. (NEW) (*Effective October 1, 2015*) (a) For the purposes of this
228 section:

229 (1) "Unmanned aerial vehicle" has the same meaning as provided in
230 subdivision (29) of section 15-34 of the general statutes, as amended by
231 this act;

232 (2) "State agency" has the same meaning as provided in section 1-79
233 of the general statutes, except that "state agency" does not include a
234 law enforcement agency, as defined in section 8 of this act; and

235 (3) "State employee" means any officer, employee or other person
236 otherwise paid by or acting as an agent of a state agency.

237 (b) Any state agency may authorize a state employee to operate an
238 unmanned aerial vehicle, provided the operation is within the scope of
239 the state employee's employment, and in accordance with this section
240 and regulations and policies established by the Federal Aviation
241 Administration.

242 (c) Each state agency that owns an unmanned aerial vehicle shall
243 register the unmanned aerial vehicle with the Office of Policy and
244 Management not later than thirty days after taking ownership of the
245 unmanned aerial vehicle. The registration shall be on a form
246 prescribed by the Office of Policy and Management and shall include
247 the name of the state agency, the name, job title and contact
248 information of each state employee who is authorized to operate the
249 unmanned aerial vehicle, and a description of the unmanned aerial
250 vehicle, including, but not limited to, the name of the manufacturer,
251 the model number and the serial number. The state agency shall post
252 such registration on its Internet web site.

253 (d) Not later than January fifteenth of each year, each state agency
254 that permitted a state employee to operate an unmanned aerial vehicle
255 in the preceding calendar year shall submit a report to the Office of
256 Policy and Management. The report shall include a list of all occasions
257 when an unmanned aerial vehicle was operated with the following
258 details for each operation: (1) The date, time and duration of operation,
259 (2) the location of such operation, and (3) the reason for such
260 operation.

261 (e) Not later than April fifteenth of each year, the Office of Policy
262 and Management, based on the reports filed by state agencies pursuant
263 to subsection (d) of this section, shall post on its Internet web site a
264 report concerning the operation of unmanned aerial vehicles by state
265 agencies during the preceding calendar year. The report shall include a
266 summary and an analysis of the information received from the state
267 agencies. The report shall also identify any state agency that registered
268 an unmanned aerial vehicle pursuant to subsection (c) of this section or
269 submitted a report in a previous reporting period pursuant to

270 subsection (d) of this section, but did not submit a report for the
271 current reporting period.

272 Sec. 10. Subsection (c) of section 12-455a of the general statutes is
273 repealed and the following is substituted in lieu thereof (*Effective*
274 *October 1, 2015*):

275 (c) "Motor vehicle" means any vehicle propelled or drawn by any
276 power other than muscular, except aircraft, unmanned aerial vehicles,
277 as defined in subdivision (29) of section 15-34, as amended by this act,
278 motorboats, road rollers, baggage trucks used about railroad stations,
279 electric battery-operated [wheel chairs] wheelchairs when operated by
280 physically handicapped persons at speeds not exceeding fifteen miles
281 per hour, agricultural tractors, farm implements and such vehicles as
282 run only upon rails or tracks;

283 Sec. 11. Subdivision (53) of section 14-1 of the general statutes is
284 repealed and the following is substituted in lieu thereof (*Effective*
285 *October 1, 2015*):

286 (53) "Motor vehicle" means any vehicle propelled or drawn by any
287 nonmuscular power, except aircraft, unmanned aerial vehicles, as
288 defined in subdivision (29) of section 15-34, as amended by this act,
289 motor boats, road rollers, baggage trucks used about railroad stations
290 or other mass transit facilities, electric battery-operated [wheel chairs]
291 wheelchairs when operated by physically handicapped persons at
292 speeds not exceeding fifteen miles per hour, golf carts operated on
293 highways solely for the purpose of crossing from one part of the golf
294 course to another, golf-cart-type vehicles operated on roads or
295 highways on the grounds of state institutions by state employees,
296 agricultural tractors, farm implements, such vehicles as run only on
297 rails or tracks, self-propelled snow plows, snow blowers and lawn
298 mowers, when used for the purposes for which they were designed
299 and operated at speeds not exceeding four miles per hour, whether or
300 not the operator rides on or walks behind such equipment, motor-
301 driven cycles as defined in section 14-286, special mobile equipment as

302 defined in section 14-165, mini-motorcycles, as defined in section 14-
303 289j, and any other vehicle not suitable for operation on a highway;

304 Sec. 12. Subdivision (20) of section 22a-134 of the general statutes is
305 repealed and the following is substituted in lieu thereof (*Effective*
306 *October 1, 2015*):

307 (20) "Vehicle" means any motorized device for conveying persons or
308 objects except for an aircraft [,] or unmanned aerial vehicle, as defined
309 in subdivision (29) of section 15-34, as amended by this act, or a boat,
310 railroad car or engine, or farm tractor;

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2015</i>	15-34(5)
Sec. 2	<i>October 1, 2015</i>	15-34
Sec. 3	<i>October 1, 2015</i>	53a-189a(a)
Sec. 4	<i>October 1, 2015</i>	New section
Sec. 5	<i>October 1, 2015</i>	54-280(a)(8)
Sec. 6	<i>October 1, 2015</i>	New section
Sec. 7	<i>October 1, 2015</i>	New section
Sec. 8	<i>October 1, 2015</i>	New section
Sec. 9	<i>October 1, 2015</i>	New section
Sec. 10	<i>October 1, 2015</i>	12-455a(c)
Sec. 11	<i>October 1, 2015</i>	14-1(53)
Sec. 12	<i>October 1, 2015</i>	22a-134(20)
This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2015</i>	15-34(5)
Sec. 2	<i>October 1, 2015</i>	15-34
Sec. 3	<i>October 1, 2015</i>	53a-189a(a)
Sec. 4	<i>October 1, 2015</i>	New section
Sec. 5	<i>October 1, 2015</i>	54-280(a)(8)
Sec. 6	<i>October 1, 2015</i>	New section
Sec. 7	<i>October 1, 2015</i>	New section
Sec. 8	<i>October 1, 2015</i>	New section
Sec. 9	<i>October 1, 2015</i>	New section
Sec. 10	<i>October 1, 2015</i>	12-455a(c)

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Sec. 11	<i>October 1, 2015</i>	14-1(53)
Sec. 12	<i>October 1, 2015</i>	22a-134(20)